

HOUSE BILL 3866

By Shaw

AN ACT to amend Tennessee Code Annotated, Title 49,
Chapter 6, Part 21, relative to school buses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-6-2109, is amended by deleting subsection (b) in its entirety and by substituting instead the following language:

(b)

(1) The board shall permit the use of conventional school buses for a period of twelve (12) years of service and permit the use of Class D school buses for a period of fifteen (15) years of service. The owner of any bus shall maintain records of all maintenance actions and safety inspections performed on a bus from its in-service date and these records shall be available at all times to the commissioner of safety or the commissioner's designee. The commissioner of safety, through the inspection process, may approve an additional year of service for a conventional bus and a Class D bus on a year-to-year basis. The owner of a bus may receive approval for additional years of service upon the following conditions:

(A) Any conventional or Class D school bus being operated pursuant to this subsection (b) shall have less than two hundred fifty thousand (250,000) miles of recorded travel; provided, however, that the owner of the bus shall have a period of ninety (90) calendar days to replace the bus after the bus reaches two hundred fifty thousand (250,000) miles of recorded travel. The bus shall meet all requirements for continued safe use and operation during the ninety-day period and the owner of the bus shall notify the department of safety in writing, via

certified mail, that the bus has reached two hundred fifty thousand (250,000) miles of recorded travel;

(B) Any conventional bus with over twelve (12) years of service shall be inspected by the commissioner or the commissioner's designee at least twice annually;

(C) Any Class D bus with over fifteen (15) years of service shall be inspected by the commissioner or the commissioner's designee at least twice annually;

(D) At these inspections, the inspector shall have the authority to require repairs or reconditioning to be made that the inspector considers necessary for the continued safe use and operation of the bus. If the local authority or owner refuses to take the required action or if the inspector considers continued use of the bus to be unsafe, the inspector shall order its removal from service;

(E) In addition to any other repairs, replacements or reconditioning required by the inspector, the steering, braking and exhaust systems of all conventional school buses with over twelve (12) years of service and all Class D buses with over fifteen (15) years of service shall be thoroughly reconditioned or replaced, as necessary, prior to any continued use;

(G) Any bus with fifteen (15) years of service shall not be eligible for additional years of service unless the bus was in service by the LEA as of January 1 of the previous school year; and

(H) Any bus purchased from an out-of-state entity shall be in service in this state for a minimum period of four (4) consecutive years in order to be eligible for additional years of service beyond fifteen (15) years.

(2) The department of safety is authorized to collect a fee for additional inspections conducted for any year that are authorized in this section. The fee shall be paid by the owner of the bus requesting the additional year or years of service on an inspection-by-inspection basis; provided, however, that the LEA may pay the fee for any bus servicing the LEA.

(3) With respect to any conventional or Class D bus in service in this state, there shall be a log of all maintenance actions and safety inspections performed. This log shall be available at all times to the commissioner or the commissioner's designee.

(4) Boards of education are encouraged to make full use of federal funds, while available, for retrofitting diesel school buses to improve both cabin air quality and lower emissions.

(5) The commissioner of safety is authorized to promulgate rules and regulations to effectuate the purposes of this subsection (b). The rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.